

Remarks/Arguments

1. Claims 7 and 8 were rejected under the provisions of 35 U.S.C. 112 for a lack of antecedent basis for specific terminology used in these two claims. Insofar as this rejection might be applied to the claims now in the application, it is respectfully traversed.

Claims 7 and 8 have both been cancelled, and the limitations herein contained have been incorporated into claim 1, the only independent claim in the application. The terms "ground speed sensor" and "engine speed sensor" have therefore been added to claim 1, along with the necessary antecedent wording.

2. Claims 1-8 were rejected under the provisions of 35 U.S.C. 103 as being unpatentable over Polzin *et al.* ("Polzin") in view of Ferguson *et al.* ("Ferguson"). Insofar as this rejection might be applied to the claims now in the application, it is respectfully traversed.

Polzin was cited as a teaching of an electronic speed control system for a vehicle, the system comprising: a left and right wheel connected to and powered by a variable speed reversible hydraulic motor, a variable output and reversible hydraulic pump connected to the motor and driven by an engine to drive the motor speed in forward and reverse directions by varying the pump output. Applicant would point out that amended claim 1 recites the presence of "first and second...hydraulic motors" and "first and second...hydraulic pumps connected to respective...motors". Polzin has a single pump that would not work nearly as well, if at all, in the agricultural environment as the two pumps, and would likely require a considerably larger and more expensive unit. Furthermore, one would not consider a drive system for a utility vehicle to be equivalent to an agricultural tractor or other agricultural machine. Even further, amended claim 1 calls for "first and second pump control devices connected to respective first and second hydraulic pumps to independently select between forward, reverse, and neutral

pump settings” which are structural limitations neither met by nor suggested by Polzin.

Ferguson is cited as a piecemeal teaching of some of the elements missing, such as those set out in the Office Action, from Polzin, concluding in the end that it would have been an obvious matter of design choice to use the sensors and microprocessor of Ferguson in the apparatus of Polzin. Applicant disagrees.

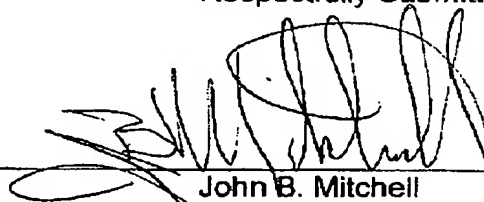
Basically, this combination rejection must fail because it does not meet the Patent Office burden of proving obviousness. Firstly, as stated above, Polzin does not show the basic claimed structure and, Ferguson does not fill the gap of missing structure. Secondly, Ferguson shows a controller system that relies solely on engine acceleration, as apposed to engine rpm as does the claimed invention. Third, a combination is not obvious merely because the various components making up the combination are known, or even well known in the art. It is the combination that must be shown by the prior art.

3. In summary, claims 1-5 have been amended, claims 6-8 have been cancelled, and claims 1-5 remain in the application. Applicant submits that the claims have been amended to overcome all rejections, and respectfully requests that they be withdrawn and that the application be allowed. No new matter has been added.

Pursuant to currently recommended Patent Office practice, the Examiner is expressly authorized to call Applicant's attorney, collect, at Lancaster, Pennsylvania, if in his judgment disposition of this application could be expedited or if he considers the application ready for final disposition by other than allowance.

Respectfully Submitted,

Date: December 16, 2005

A handwritten signature in black ink, appearing to read "John B. Mitchell", is written over a horizontal line.

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